

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASEY ROTH,

Plaintiff,

v.

TULLY'S COFFEE CORPORATION,
a Washington corporation, and PREMERA
BLUE CROSS, a Washington corporation,

Defendants.

No. C05-1322RSL

ORDER STRIKING PLAINTIFF'S
RE-NOTE

This matter comes before the Court on "Plaintiff's Re-Note: Motion for Relief from Case Scheduling Order" (Dkt. #49). On September 14, 2006, plaintiff filed a "Motion for Relief from Case Scheduling Order" (Dkt. #38) and noted the motion for September 22, 2006.¹ Based on this noting date, defendants filed a timely response to the motion on September 19, 2006 (Dkt. #47). Shortly thereafter, however, on September 19, 2006, plaintiff filed a motion (Dkt #49) re-noting the "Motion for Relief from Case Scheduling Order" to September 29, 2006.

After a response is filed, the moving party may not re-note its motion unless the parties have stipulated to the re-noting date. Here, plaintiff re-noted his motion on his own initiative, *after* defendants had filed their response, effectively giving himself more time to file his reply. This was improper.

¹ Under Local Civil Rule 7(d)(2)(A), the earliest Plaintiff should have noted his motion was September 25, 2006, seven judicial days after the filing on September 14, 2006.

1 Accordingly, the Clerk of Court is directed to strike "Plaintiff's Re-Note: Motion for
2 Relief from Case Scheduling Order" (Dkt. #49). The noting date for plaintiff's "Motion for
3 Relief from Case Scheduling Order" (Dkt. #38) shall remain September 22, 2006, the date on
4 which the plaintiff originally noted his motion. Any reply shall be filed and served no later than
5 Friday, September 22, 2006.²

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7 DATED this 20th day of September, 2006.

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10 Robert S. Lasnik
11 United States District Judge
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26 ² As of January 1, 2005, the Local Rules have been amended to state that any reply papers "shall
be filed, and shall be received by the opposing party, no later than the noting date." LR 7(d)(2).